

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DF  
U.S. DISTRICT COURT  
FEB 07 2014  
BROOKLYN OFFICE

-----x  
TERRY KING,

Plaintiff,

**MEMORANDUM AND ORDER**  
14-CV-521 (ARR)

-against-

WARDEN DUFFY; CORRECTIONAL OFFICER  
JONES; CORRECTIONAL OFFICER WILLIAMSON;  
CHAPLIN FATHER THOMAS; SANDRA SHEARD,

Defendants.  
-----x

ROSS, United States District Judge:

Plaintiff Terry King, currently incarcerated at Rikers Island, brings this pro se civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff's request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 is granted. For the reasons discussed below, plaintiff's claims against Correction Officer Jones are dismissed. Plaintiff's claims against all remaining defendants shall proceed.

**BACKGROUND**

Plaintiff alleges, inter alia, that on July 5, 2013, Correction Officer Jones unlawfully sprayed him with mace, causing injury to plaintiff's eyes, and subsequently denied him proper medical care. Compl., ECF 5. Plaintiff further alleges that Correction Officer Jones unlawfully divulged the nature of plaintiff's alleged crime to other inmates, which placed plaintiff's life in danger. Id. On September 20, 2013, plaintiff filed identical claims against Correction Officer

Jones related to the same incidents, which are currently pending before the Court. See King v. Warden, No. 13-CV-5307 (ARR).

Plaintiff's claims against Correction Officer Jones in the instant complaint, raise no new allegations and no useful purpose would be served by the litigation of these duplicative claims. Therefore, plaintiff's claims against Correction Officer Jones are dismissed as duplicative. See Kanciper v. Suffolk Cnty. Soc'y for the Prevention of Cruelty to Animals, Inc., 722 F.3d 88, 92-93 (2d Cir. 2013) ("[A]s part of its general power to administer its docket," a district court may stay or dismiss a suit that "is duplicative of another federal court suit.") (quoting Curtis v. Citibank, N.A., 226 F.3d 133, 138 (2d Cir. 2000)). Plaintiff's unrelated civil rights claims against defendants Warden Duffy, Correction Officer Williamson, Chaplin Father Thomas and Sandra Sheard shall proceed.

### **CONCLUSION**

Accordingly, all claims against defendant Correction Officer Jones are dismissed as duplicative. No summons shall issue as to this defendant and the Clerk of Court is directed to amend the caption to reflect the dismissal of this defendant. Plaintiff's claims shall proceed against defendants Warden Duffy, Correction Officer Williamson, Chaplin Father Thomas and Sandra Sheard.

The United States Marshal Service is directed to serve the summons, complaint, and this Order upon the remaining defendantS without prepayment of fees. A courtesy copy of the same papers shall be mailed to the Corporation Counsel for the City of New York. All pretrial matters are referred to Magistrate Judge James Orenstein. The Court certifies pursuant to 28 U.S.C. §

1915(a)(3) that any appeal would not be taken in good faith and therefore in forma pauperis status is denied for purpose of an appeal. Coppedge v. United States, 269 U.S. 438, 444-45 (1962).

SO ORDERED.

/S/ Judge Allyne R. Ross

---

ALLYNE R. ROSS  
United States District Judge

Dated: Brooklyn, New York  
February 7, 2014

**SERVICE LIST**

**Terry King**

**# 2411101659**

**George Motchan Detention Center**

**15-15 Hazen Street**

**East Elmhurst, NY 11370**